IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6711 OF 2005

Kadaba Narayanarao Gopalakrishna. ... Applicant.

Versus.

The Union Territory of Dadara &
Nagar Haveli and others. ... Respondent.

Shri Shirish Gupte i/by Shri Subhodh Desai for the Applicant.

Ms.M.M.Deshmukh, A.P.P. for the Respondent-State.

Mr.C.M.Kothari for the Respondents Nos.2 to 4.

CORAM : ABHAY S. OKA, J.

DATED : 27th October, 2005.

P.C.:

1. Heard the learned Senior Counsel for the Applicant and the learned A.P.P. for the State. Heard Shri Kothari for the Respondent No.2 to 4.

2. The prayer in this application is for cancellation of bail granted by the Chief Metropolitan Magistrate, Silvasa in favour of the Respondents Nos.2 to 4.

3. The offence complained of is under sections 341, 382, 323, 34 and 120-B of the Indian Penal Code. Only the offence under section 382 appears to be anon-bailable offence and the other offences alleged are bailable offences. The grievance of the Applicant is that without giving any opportunity to the Police to

investigate, the concerned Respondents were enlarged on bail.

4. On a plain reading of the complaint, it is obvious that no fault can be found with the orders passed by the learned Magistrate granting bail. It is well settled position of law that the bail cannot be cancelled as a matter of course. The learned Counsel appearing for the Respondents No.1 (i.e. the prosecution) has stated that the Respondents Nos.2 to 4 have abided by the conditions imposed in the order granting bail.

5. No case is made out for cancellation of bail.

The Application is rejected.

Judge.